

PHILLIP A. TALBERT
United States Attorney
STEPHANIE M. STOKMAN
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEVEN MCTHAY,

Defendants.

CASE NO. 1:23-CR-00145-ADA

STIPULATION TO VACATE TRIAL; ORDER

DATE: September 19, 2023

TIME: 8:30 a.m.

COURT: Hon. Ana de Alba

This case is set for jury trial on September 19, 2023.

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By this stipulation, the government and defendant now move to vacate the jury trial set for September 19, 2023, and to exclude time between today's date, August 4, 2023, and August 23, 2023, the date of the status conference, under Local Code T4.

2. The parties agree and stipulate, and request that the Court find the following:

a) The parties represent that discovery has been provided and includes reports, audio files, photographs, and other items.

b) Counsel for defendant desires additional time to further review discovery, discuss potential resolution with defendant and the government, and investigate and prepare for trial.

1 c) Counsel for defendant believes that failure to grant the above-requested
2 continuance would deny him/her the reasonable time necessary for effective preparation, taking
3 into account the exercise of due diligence.

4 d) The government does not object to the continuance.

5 e) Based on the above-stated findings, the ends of justice served by continuing the
6 case as requested outweigh the interest of the public and the defendant in a trial within the
7 original date prescribed by the Speedy Trial Act.

8 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
9 et seq., within which trial must commence, the time period of August 4, 2023 to August 23,
10 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
11 T4] because it results from a continuance granted by the Court at the parties' request on the basis
12 of the Court's finding that the ends of justice served by taking such action outweigh the best
13 interest of the public and the defendants in a speedy trial.

14 g) The parties also agree that this continuance is necessary for several reasons,
15 including but not limited to, the need to permit time for the parties to exchange supplemental
16 discovery, engage in plea negotiations, and for the defense to continue its investigation and
17 preparation, pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

18 3. Nothing in this stipulation and order shall preclude a finding that other provisions of the
19 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
20 must commence.

21 IT IS SO STIPULATED.

22 Dated: August 4, 2023

23 PHILLIP A. TALBERT
United States Attorney

24
25 /s/ STEPHANIE M. STOKMAN
STEPHANIE M. STOKMAN
26 Assistant United States Attorney
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1 Dated: August 4, 2023

/s/ LAURA MYERS
LAURA MYERS
Counsel for Defendant
STEVEN MCTHAY

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6 IT IS SO ORDERED.

7 Dated: August 4, 2023


UNITED STATES DISTRICT JUDGE